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10/668,888	09/22/2003	Craig Bryant	200311140-1	3575

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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400		

EXAMINER	
PEZZLO, JOHN	

ART UNIT	PAPER NUMBER
2619	

NOTIFICATION DATE	DELIVERY MODE
12/20/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/668,888

Applicant(s)

BRYANT ET AL.

Examiner

John Pezzlo

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-19 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 8, 20, and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 18-22 and 26 are objected to because of the following informalities: Claims 18-22 depend from claim 1 however, claims 18-22 refer back to a method claim and claim 1 is a system claim.

Claim 26 is missing a period "." at the end of the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 4-10, and 13 are rejected under 35 U.S.C. 101 because the claims need to insert prior to "computer executable instructions" -- computer readable volatile or non-volatile media storing -- and inserting after "computer executable instructions" -- which when executed by a computer --.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-7, 9-19, and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Slipp et al. (2005/0086325 A1) hereinafter Slipp.

1. Regarding claims 1 and 14 and 23 – Slipp discloses a packet reader configured to scan packets transmitted through a network for pre-specified criteria, wherein the packets include endpoint information and data, a request/response matcher configured to receive packets that meet the pre-specified criteria from the packet reader, and to match request packets with corresponding response packets, and a message analyzer configured to access the matched packets, determine the structure utilized in the data of the matched packets, and to analyze the data of the matched packets to generate at least a portion of a model of the data, refer to Figures 1 and 2 and 3 and paragraphs [0025], [0026], [0027], [0030], and [0046] to [0048].

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2. Regarding claim 2 – Slipp discloses the request/response marcher and the message analyzer are configured to access a database to store and retrieve the matched packets, refer to Figures 6 and 7 and paragraphs [0037] to [0042].

3. Regarding claim 3 – Slipp discloses the packet reader is configured to decipher and reformat the header and data in the packets, refer to Figures 1 and 2 and 3 and paragraphs [0025], [0026], [0027], [0030], [0046] to [0048], and [0052] to [0063].

4. Regarding claim 4 – Slipp discloses monitor transactions between components in the network based on the matched packets, refer to Figures 1 and 2 and 3 and paragraphs [0025], [0026], [0027], [0030], [0046] to [0048] and [0052] to [0063].

5. Regarding claim 5 – Slipp discloses provide information regarding the matched packets to an application program in the network, refer to Figures 7 and 8 and paragraphs [0067] to [0068].

6. Regarding claim 6 – Slipp discloses provide information regarding the matched packets to a network administration facility for the network, Figures 1 and 2 and 3 and paragraphs [0025], [0026], [0027], [0030], and [0046] to [0048].

7. Regarding claim 7 – Slipp discloses validate the data in subsequent packets based on the data model, refer to Figures 6-8 and paragraphs [0064] to [0068].

8. Regarding claim 9 – Slipp discloses generate a map of the packets transmitted between endpoints in a network, refer to Figures 5a, 5b, and 6 and paragraphs [0035], [0036], and [0064].
9. Regarding claim 10 – Slipp discloses the type of application in which the matched packets are utilized, refer to Figures 7 and 8 and paragraphs [0067] to [0069].
10. Regarding claim 11 – Slipp discloses monitor system is implemented within a server in the network, refer to Figures 1 and 2 and paragraphs [0019] to [0024].
11. Regarding claim 12 – Slipp discloses monitor the packets for a plurality of servers in the network, refer to Figures 1-3 and paragraphs [0019] to 0026].
12. Regarding claims 13 and 15 – Slipp discloses combine the data from a plurality of related packages to form a message, refer to Figure 7 and paragraphs [0050] to [0067].
13. Regarding claim 16 – Slipp discloses determining the content of the message, refer to Figures 1 and 2 and 3 and paragraphs [0025], [0026], [0027], [0030], [0046] to [0048], and [0052] to [0063].

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14. Regarding claim 17 – Slipp discloses determining traffic flow of the packets in the network based on the endpoint information, refer to Figures 7 and 8 and paragraphs [0035], [0043], [0067] to [0069].

15. Regarding claim 18 – Slipp discloses generating at least a portion of a data model based on information in related packets, refer to Figures 7 and 8 and paragraphs [0058] to [0068].

16. Regarding claim 19 – Slipp discloses generating a map of the packets transmitted between the endpoints in the network and providing the data model to other components to enable the other components to communicate with the endpoints, refer to refer to Figures 5a, 5b, and 6 and 7 and 8 and paragraphs [0035], [0036], and [0067] to [0069].

17. Regarding claim 21 – Slipp discloses analyzing the data model for information regarding the security of the message and preventing messages that include confidential information from being transmitted to their destination, refer to Filter Table (callout 67 in Figure 6) and paragraphs [0046] to [0049].

18. Regarding claim 22 – Slipp discloses preventing unvalidated messages from being transmitted to their destination, refer to Filter table (callout 67 in Figure 6) and paragraphs [0046] to [0049].

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19. Regarding claim 24 – Slipp discloses means for matching request and response packets among the packets that match the pre-defined criteria, refer to Figures 1 and 2 and 3 and paragraphs [0025], [0026], [0027], [0030], and [0046] to [0048], and means for mapping traffic flow between components in a network based on the endpoint information and the data model, refer to Figures 7 and 8 and paragraphs [0067] to [0069].

20. Regarding claim 25 – Slipp discloses means for combining the data from a plurality of related packages that meet the pre-defined criteria to form a message, refer to refer to Figure 7 and paragraphs [0050] to [0067], and means for validating the message based on the data model and means for preventing unvalidated messages from being transmitted to their destination, refer to Filter Table (callout 67 in Figure 6) and paragraphs [0046] to [0049].

21. Regarding claim 26 – Slipp discloses means for generating a table of the data model and endpoints that transmit packets that conform to the schema, refer to Figures 1 and 2 and 3 and paragraphs [0025], [0026], [0027], [0030], and [0046] to [0048] and Filter Table (callout 67 in Figure 6) and paragraphs [0046] to [0049].

***Allowable Subject Matter***

Claims 8 and 20 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Copeland, III (US 2002/0144156 A1) discloses network port profiling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

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John Pezzlo

9 July 2007



**JOHN PEZZLO**  
**PRIMARY EXAMINER**